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Suit seeks to push Poe deadline back

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A lawsuit filed Tuesday wants a deadline for consumers to resolve claims against the failed Poe insurance companies extended.

The suit claims the **Florida Insurance Guaranty Association** failed to directly notify consumers of the June 2 deadline, which requires consumers settle claims or file a suit against FIGA to litigate disputed claims, and asks it be pushed back a year. The actual deadline, June 1, falls on a Sunday.

FIGA deputy director Michelle Lovern said the organization is not required to notify consumers of the deadlines, which are mandated by statutes, but that it includes the information on every first contact letter it sends out and posts it on FIGA's Web site.

"We have no requirement to inform everybody of the law," she said. "We try to go above and beyond by putting the information out there."

The suit -- filed in Palm Beach Circuit County Court by Katzman Garfinkel -- claims many Florida homeowners and community associations affected by the Poe companies' liquidation are unaware of the deadline. It says FIGA published notice of the deadline in Florida Administrative Weekly and the Florida Bar News.

The suit also says at least one couple received a notification letter from FIGA with the date field left blank, and attorney Alan Garfinkel said many consumers may not have received a letter at all.

"It's astonishing that notice of this shortened statute of limitations has not been broadcast wide and far by FIGA to ensure that these individuals' rights are protected," Garfinkel said. "The exact number of people affected by this deadline is not easy to determine, but it would include all policyholders with the now insolvent Poe companies owning property damaged during the 2004 and 2005 hurricane seasons."

Lovern said the information was blank on the first page of the letter included in the lawsuit, but was included on subsequent pages. FIGA provided a copy of the letter to the Business Journal.

Former Poe policyholders who miss the deadline will be unable to seek further claims from those policies.

The Poe insurance companies -- **Atlantic Preferred Insurance Co.**, **Florida Preferred Property Insurance Co.** and **Southern Family Insurance Co.** -- were ordered to liquidate in May 2006.

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